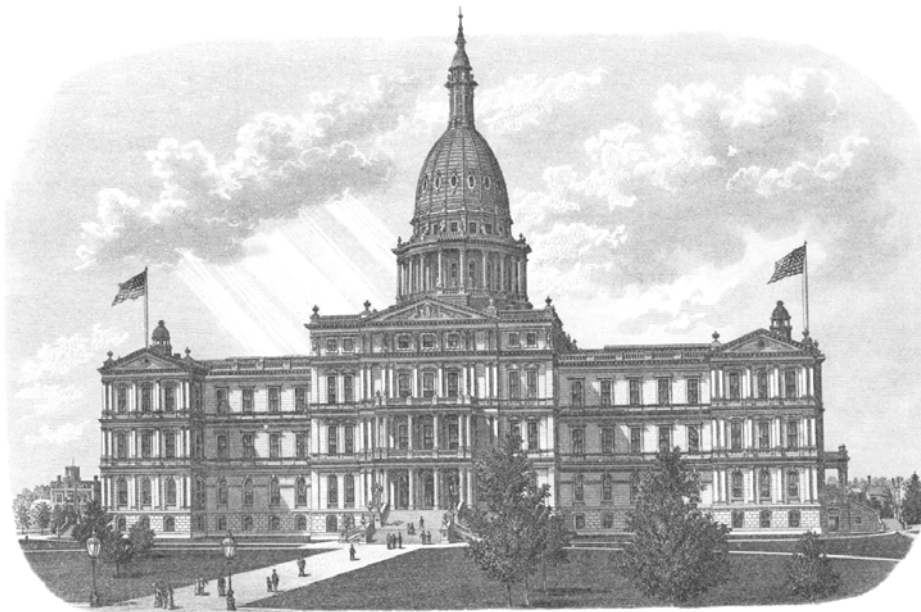


Michigan Register

Issue No. 17— 2007 (Published October 1, 2007)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

**Published pursuant to § 24.208 of
The Michigan Compiled Laws**



Issue No. 17— 2007

(This issue, published October 1, 2007, contains
documents filed from September 1, 2007 to September 15, 2007)

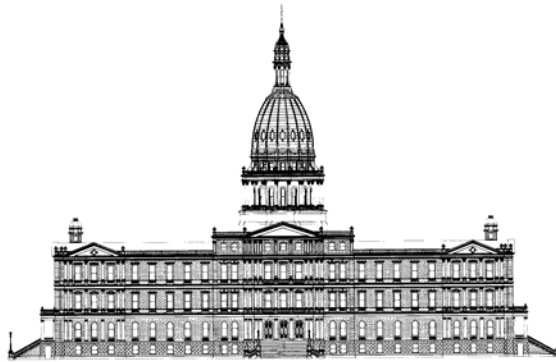
Compiled and Published by the
State Office of Administrative Hearings and Rules

© 2007 by State Office of Administrative Hearings and Rules, State of Michigan
All rights reserved.
Printed in the United States of America

Michigan Register (ISSN 0892-3124). Published twice per month, with a cumulative index, by the State Office of Administrative Hearings and Rules, pursuant to §24.208 of the Michigan Compiled Laws. Subscription \$400.00 per year, postpaid to points in the U.S. First class postage paid at Lansing, Michigan. Direct all mail concerning subscriptions to State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933

Peter Plummer, Executive Director, State Office of Administrative Hearings and Rules; **Deidre O'Berry**, Administrative Rules Analyst for Operations and Publications.

Jennifer M. Granholm, Governor



John D. Cherry Jr., Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The State Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the State Office of Administrative Hearings and Rules.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The State Office of Administrative Hearings and Rules shall publish a cumulative index for the Michigan register.
 - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
 - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the State Office of Administrative Hearings and Rules may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
 - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the State Office of Administrative Hearings and Rules for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the State Office of Administrative Hearings and Rules. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the State Office of Administrative Hearings and Rules not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the State Office of Administrative Hearings and Rules shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the State Office of Administrative Hearings and Rules shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the State Office of Administrative Hearings and Rules shall be made available in the shortest feasible time after it is made available to the State Office of Administrative Hearings and Rules.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The State Office of Administrative Hearings and Rules shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the State Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The State Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the State Office of Administrative Hearings and Rules (517) 335-2484.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the State Office of Administrative Hearings and Rules: www.michigan.gov/cis/0,1607,7-154-10576_35738---,00.html

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the State Office of Administrative Hearings and Rules Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Peter Plummer, Executive Director
State Office of Administrative Hearings and Rules

2007 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2007	February 1, 2007
2	February 1, 2007	February 15, 2007
3	February 15, 2007	March 1, 2007
4	March 1, 2007	March 15, 2007
5	March 15, 2007	April 1, 2007
6	April 1, 2007	April 15, 2007
7	April 15, 2007	May 1, 2007
8	May 1, 2007	May 15, 2007
9	May 15, 2007	June 1, 2007
10	June 1, 2007	June 15, 2007
11	June 15, 2007	July 1, 2007
12	July 1, 2007	July 15, 2007
13	July 15, 2007	August 1, 2007
14	August 1, 2007	August 15, 2007
15	August 15, 2007	September 1, 2007
16	September 1, 2007	September 15, 2007
17	September 15, 2007	October 1, 2007
18	October 1, 2007	October 15, 2007
19	October 15, 2007	November 1, 2007
20	November 1, 2007	November 15, 2007
21	November 15, 2007	December 1, 2007
22	December 1, 2007	December 15, 2007
23	December 15, 2007	January 1, 2008
24	January 1, 2008	January 15, 2008

CONTENTS

OPINIONS OF THE ATTORNEY GENERAL

AG Opinion No. 7204	
Investment of public corporations funds in certificates of deposit	
Issued by financial institutions that participate in the Certificate	
Of Deposit Account Registry Service.....	2-7

AG Opinion No. 7205	
Local health department's authority concerning immunization requirements	8-20

ENROLLED SENATE AND HOUSE BILLS SIGNED INTO LAW OR VETOED

Table (2007 Session).....	22-28
---------------------------	-------

MICHIGAN ADMINISTRATIVE CODE TABLE

Table (2007 Session).....	30-32
---------------------------	-------

CUMULATIVE INDEX

Cumulative Index (2007)	33-37
-------------------------------	-------

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(j) Attorney general opinions. ”

OPINIONS OF THE ATTORNEY GENERAL

STATE OF MICHIGAN

MIKE COX, ATTORNEY GENERAL

BANKS AND BANKING:

1943 PA 20:

PUBLIC CORPORATIONS:

CERTIFICATES OF DEPOSIT:

Opinion No.

Investment of public corporation funds in certificates of deposit issued by financial institutions that participate in the Certificate of Deposit Account Registry Service

In accordance with section 1 of 1943 PA 20, MCL 129.91, a public corporation that elects to invest funds in certificates of deposit may only place such funds in financial institutions that maintain a principal office or a branch office located in Michigan. Because the Certificate of Deposit Account Registry Service program commonly known as CDARS is currently structured in such a way that a participating investor must consent to the placement of its deposits with financial institutions that do not maintain a principal office or a branch office located in Michigan, a Michigan public corporation may not participate in the CDARS program.

Opinion No. 7204

September 7, 2007

Honorable Mark H. Schauer
State Senator
The Capitol
Lansing, Michigan

You have asked whether section 1 of 1943 PA 20, MCL 129.91, permits funds of a public corporation to be deposited with a financial institution for investment in certificates of deposit (CDs) issued by FDIC-insured banks and savings and loan associations as part of the Certificate of Deposit Account Registry Service (CDARS).

In Michigan, the investment of funds by a "public corporation" is governed by 1943 PA 20, MCL 129.91 *et seq.* The term "public corporation" means a county, city, village, township, port district, drainage district, special assessment district, or metropolitan district of this state, or a board, commission, or another authority or agency created by or under an act of the legislature of this state. MCL 129.91(6)(d). MCL 129.91 provides in pertinent part:

(1) Except as provided in section 5, the governing body by resolution may authorize its investment officer to invest the funds of that public corporation in 1 or more of the following:

* * *

(b) Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, but only if the financial institution complies with subsection (2).^[1]

MCL 129.91(5) places a limitation on which financial institutions may hold the deposits of public corporation funds:

As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government *and that maintains a principal office or branch office located in this state* under the laws of this state or the United States. [Emphasis added.]

Previous Attorney General opinions have established that public corporations may only invest moneys under their control as the Legislature has specifically authorized in MCL 129.91. OAG, 1987-1988, No 6478, p 224 (October 29, 1987), determined that the Legislature has not authorized townships to invest surplus finds in mortgage-backed certificates guaranteed by the Government National Mortgage Association under 12 USC 1721(g)(1). OAG, 1985-1986, No 6395, p 390 (October 20,

¹ MCL 129.91(2) provides: "A *public corporation* that invests its funds under subsection (1) *shall not deposit or invest the funds in a financial institution that is not eligible* to be a depository of funds belonging to the state under a law or rule of this state or the United States." (Emphasis added.) To answer your question, it is not necessary to address the criteria that a "financial institution" must meet to satisfy the eligibility requirement.

1986), concluded that a city board of trustees established by charter provision to manage a gift for city park and playground purposes is barred from investing moneys under its control in common stocks or other investments not authorized by MCL 129.91.

You ask whether a public corporation may invest its funds in CDs issued by FDIC-insured banks and savings and loan associations that participate in CDARS. The Federal Deposit Insurance Corporation (FDIC) provides insurance on bank and savings and loan deposits up to \$100,000 per account.¹ 12 USC 1821(a)(1)(B). When a deposit account balance exceeds \$100,000, only the first \$100,000 is insured by the FDIC. Because a depositor's accounts in any given bank² are aggregated for purposes of FDIC insurance, 12 USC 1821(a)(1)(C), if a depositor desired the safety of FDIC insurance on a total deposit in excess of \$100,000, it would be necessary to open accounts in separate banks in increments of \$100,000 or less. For a large depositor, this could necessitate many separate accounts in multiple banks.

The CDARS is a national program developed by Promontory Interfinancial Network, LLC, which allows participating insured institutions³ to arrange for allocation of deposits in excess of the \$100,000 per account FDIC insurance limit by spreading deposits among several institutions in amounts that are eligible for FDIC insurance. This occurs in increments of less than \$100,000 to ensure that both principal and interest are eligible for full FDIC insurance.⁴ In exchange, the institution receives reciprocal deposits from other institutions and their depositors in an amount equal to the original deposit.

¹ Deposits in credit unions are insured under a different federal program. See 12 USC 1752a *et seq.*

² For convenience, references in the balance of this opinion to banks are meant to also include savings and loan associations.

³ The CDARS claims national participation by over 1600 insured institutions, www.cdars.com.

⁴ <http://www.cdars.com/docs/P2C.PublicFunds.pdf> last accessed on 8/27/2007.

The CDARS advertises that twelve banks in Michigan participate in its program.¹ However, the CDARS participating institutions must allow the allocation of deposits and receipt of reciprocal deposits from other participating institutions without regard to geographic location.

A hypothetical example will serve to help illustrate how this works.² Assume a depositor has \$130,000 to invest in CDs and has expressed an interest in participating through its local bank, Bank A, in the CDARS program. Bank A will provide the depositor with a list of participating institutions in which a portion of the original deposit will be deposited. While a depositor participating in the CDARS program will be provided an opportunity to designate institutions to be excluded from receiving any deposits, that opportunity does not extend to allowing the depositor to limit deposits to insured institutions having their principal or branch offices in Michigan. If the depositor consents to participation in the CDARS program, that has the effect of authorizing a portion of the \$130,000 to be placed in an insured institution selected without regard to the location of its principal or branch offices. Bank A then issues a CD worth \$95,000, leaving room for interest, and sends the remaining \$35,000 to Promontory Interfinancial Network, which arranges for Bank B to issue the depositor a CD for the remaining \$35,000. In return, Bank B buys \$35,000 in CDs for its customers from Bank A. Promontory Interfinancial Network acts as a clearinghouse by matching deposits from one institution with another so that an amount corresponding to the funds a bank places with other institutions through the CDARS program is invested in that bank by other institutions and, therefore, remains on the bank's balance sheet.³ In the example, the depositor would have invested \$130,000 – \$95,000 in a CD issued by Bank

¹ <http://www.cdars.com/find-cdars-state.html#MI> last accessed on 8/27/2007.

² This scenario is developed from the model CDARS Deposit Placement Agreement that currently governs these transactions provided to this office by the Promontory Interfinancial Network and from additional information provided in correspondence to this office. (A copy of the agreement is attached to this opinion as Appendix A.)

³ <http://www.bankrate.com/brm/news/sav/20030820a1.asp> last accessed on 8/27/2007.

A and \$35,000 in a CD issued by Bank B. The total amount would be eligible for FDIC insurance because it was allocated in CDs issued by two banks.

You indicated that the FDIC has determined that deposit insurance provided under the Federal Deposit Insurance Act, 12 USC 1821(a), as implemented by the FDIC regulations, 12 CFR Part 330, is available on deposits placed through the CDARS system.¹

MCL 129.91(1)(b) and (5) provide that a public corporation may invest its funds in "[c]ertificates of deposit . . . of a financial institution." To qualify as a "financial institution," the bank must maintain its principal office or a branch office in Michigan. Financial institutions that do not maintain a principal office or branch office in Michigan are not eligible to receive deposits from a Michigan public corporation. According to information provided to this office by CDARS, only about 12 of the 1600 banks that participate in CDARS maintain offices in Michigan, and, as indicated in the hypothetical scenario above, a depositor is not permitted to specify that its funds only be invested in CDs issued by banks with offices in Michigan.

The primary task in construing a statute is to discern and give effect to the intent of the Legislature as expressed in the statutory language. *Gladych v New Family Homes, Inc*, 468 Mich 594, 597; 664 NW2d 705 (2003). If the language is unambiguous, as is the case in MCL 129.91(5), the Legislature is presumed to have intended the meaning it clearly expressed and no further construction is allowed. *DiBenedetto v West Shore Hosp*, 461 Mich 394, 402; 605 NW2d 300 (2000).

¹ See FDIC Counsel letter, July 29, 2003, addressing deposit insurance coverage available for deposits purchased through the CDARS program sponsored by Promontory Interfinancial Network. (A copy of this letter is attached to this opinion as Appendix B.)

Moreover, where powers are expressly conferred, they cannot be extended by inference; indeed, the inference is that it was intended that no other or greater power was given than the power specified. *Eikhoff v Detroit Charter Comm*, 176 Mich 535, 540; 142 NW 746 (1913), cited in *Alcona County v Wolverine Environmental Production, Inc*, 233 Mich App 238, 247; 590 NW2d 586 (1998). These rules of construction emphasize that the proper role of the courts is to interpret and not write the law; is it not within the province of the judiciary to read into a statute provisions that the Legislature has not seen fit to incorporate. *Piper v Pettibone Corp*, 450 Mich 565, 573; 542 NW2d 269 (1995).

It is my opinion, therefore, that in accordance with section 1 of 1943 PA 20, MCL 129.91, a public corporation that elects to invest funds in certificates of deposit may only place such funds in financial institutions that maintain a principal office or a branch office located in Michigan. Because the Certificate of Deposit Account Registry Service program commonly known as CDARS is currently structured in such a way that a participating investor must consent to the placement of its deposits with financial institutions that do not maintain a principal office or a branch office located in Michigan, a Michigan public corporation may not participate in the CDARS program.

MIKE COX
Attorney General

Atts.

OPINIONS OF THE ATTORNEY GENERAL

STATE OF MICHIGAN

MIKE COX, ATTORNEY GENERAL

COUNTIES: Local health department's authority
concerning immunization requirements

PUBLIC HEALTH CODE:

LOCAL HEALTH DEPARTMENTS:

A local health department has authority to adopt regulations to require a parent to use a specific immunization exemption form in order to claim an exemption from vaccination requirements under section 9215(2) of the Public Health Code, MCL 333.9215(2).

The broad authority conferred on local health departments to prevent disease and promote the public health includes the power to require a parent to provide a statement explaining the nature of the "other objection" to immunization claimed by the parent under section 9215(2) of the Public Health Code, MCL 333.9215(2).

A local health department may promulgate a regulation requiring its approval to confirm that an immunization exemption has been properly claimed under section 9215(2) of the Public Health Code, MCL 333.9215(2).

Opinion No. 7205

September 14, 2007

Honorable Kim Meltzer
State Representative
The Capitol
Lansing, MI

You have asked several questions regarding the authority of a local health department to require parental compliance with its immunization regulations in order for a child to qualify as exempt from the immunization requirements under state law.

You first ask whether a local health department may require a parent, guardian, or person *in loco parentis* of a child to use a specific form in order to exempt that child from the immunization requirements provided for in the Public Health Code, 1978 PA 368, MCL 333.1101 *et seq.*¹

Over a century ago, the United States Supreme Court, in *Jacobson v Massachusetts*, 197 US 11; 25 S Ct 358; 49 L Ed 643 (1905), settled that the police powers of a state extend to providing for compulsory vaccination. The requirement for vaccinations has been recognized as universally important in the area of public health. The Centers for Disease Control and Prevention, for example, describe the drastic reduction over the past half century in morbidity and mortality due to vaccine-preventable illness as one of the most momentous achievements of public health.²

In line with this history, the Legislature has established comprehensive immunization requirements to protect the public health in Michigan.³ These requirements are set forth in Part 92 of the Public Health Code, MCL 333.9201 *et seq.* The Michigan Department of Community Health (MDCH) is empowered to promulgate rules to implement Part 92, including rules governing age periods for immunizations, the minimum ages at which immunization may be commenced, the minimum doses required during a specified time period, and the minimum levels of immunization for children in school.

¹ For brevity, "parent" will be used in this opinion to include guardian or person *in loco parentis* of the child.

² See Centers for Disease Control & Prevention, Morbidity & Mortality Weekly Report, Vol 48, No 29, Achievements in Public Health, 1900-1999, p 621 (July 30, 1999); Centers for Disease Control & Prevention, Morbidity & Mortality Weekly Report, Vol 48, No 12, Ten Great Public Health Achievements – United States, 1900-1999, p 241 (April 2, 1999); and Achievements in Public Health, 1900-1999, Impact of Vaccines Universally Recommended for Children – United States, 1990-1998, *Id.*, at p 243.

³ The State of Michigan's historic dedication to eradicating disease has extended to itself manufacturing vaccines for delivery to its citizens. Under 1927 PA 105, the Legislature made it the duty of the then State Commissioner of Health to manufacture vaccines to control communicable diseases. See OAG, 1941-1942, No 21898, p 444, (December 15, 1941). The authority to manufacture vaccines continued until 1998 when the State sold its vaccine production facilities. See MCL 333.9211 and Executive Reorganization Order 1995-20, MCL 333.26323.

MCL 333.9227(1)(a)-(d). In addition, section 5111 of the Public Health Code authorizes the MDCH to promulgate rules to establish procedures for the control of diseases and infections, including immunization and environmental controls. MCL 333.5111(1)(d). By promulgated rule, MDCH requires childhood vaccinations for diphtheria, pertussis, tetanus, measles, mumps, rubella, polio, Haemophilus influenzae type b (Hib), Hepatitis B, and varicella (chicken pox). 2006 MR 10, R 325.176. This rule, among other things, also specifies the ages when the various vaccines must be administered.

Section 9205 of the Public Health Code, MCL 333.9205, requires a parent to provide for the child's immunization against diseases at the ages prescribed by the MDCH. Further, when a child is first registered in school or in a preschool-aged program of group residence, care, or camping, the parent must present to school officials a certificate of immunization or statement of exemption. MCL 333.9208 and 333.9211(1). The exemption may be claimed for medical reasons or "because of religious convictions or other objection to immunization." MCL 333.9215(1)-(2). The parent's failure to provide the certificate of immunization or statement of exemption means that the child cannot be permitted to enter or attend the school or preschool. MCL 333.9208(2).

A school is required to report twice a year to the state and local health departments a list of students with their immunization status. The reports are to be on a form provided or approved by the MDCH. MCL 333.9209. The local health department is required to take appropriate action in light of the information collected in the reports, including providing immunization clinics to raise the immunization level of children entering school to the level established by MDCH. MCL 333.9209. Local health departments are required to periodically offer free immunization clinics for children. MCL 333.9203. Additionally, the state or local health departments may require the operators of programs for

preschool-aged children to report the immunization status of each child accepted in the program. MCL 333.9211.

In addition to these responsibilities, the Public Health Code assigns numerous other powers and duties to local health departments.¹ Local health departments are primarily responsible for the organization, coordination, and delivery of health services and programs within their jurisdictions. MCL 333.2235(2). The chief duties of local health departments are to "prevent disease, prolong life, and promote the public health." MCL 333.2433(1). To those ends, local health departments "shall . . . [i]mplement and enforce laws for which responsibility is vested in the local health department." MCL 333.2433(2)(a). They also "[h]ave powers necessary or appropriate to perform the duties and exercise the powers given by law to the local health officer" that are not otherwise prohibited by law. MCL 333.2433(2)(f).²

Local health departments may also adopt regulations to properly safeguard the public health and to prevent the spread of diseases, MCL 333.2435(d), and are specifically empowered to "adopt regulations necessary or appropriate to implement or carry out the duties or functions vested by law in the local health department." MCL 333.2441(1). These regulations must be "at least as stringent as the standard established by state law applicable to the same or similar subject matter." MCL 333.2441(1).³

It has long been held in Michigan that this broad discretionary authority to protect the public health

¹ The Public Health Code defines "local health department" to include: 1) a county health department of a single county provided pursuant to section 2413, MCL 333.2413, and its board of health, if any; 2) a district health department created pursuant to section 2415, MCL 333.2415, and its board of health; 3) a city health department created pursuant to section 2421, MCL 333.2421, and its board of health, if any; and 4) any other local agency approved by the department under Part 24, MCL 333.2401 *et seq.* MCL 333.9201(2) and MCL 333.1105(2).

² "Local health officer" means the individual in charge of the local health department or his or her authorized representative. MCL 333.1105(3).

³ *McNeil v Charlevoix County*, ___ Mich App ___, ___ NW2d ___, 2007 Mich App Lexis 1465 (2007).

empowers a local health department to implement regulations concerning vaccinations of children and to work out the details necessary to prevent the spread of disease, including establishing requirements for local school districts. *People ex rel Hill v Lansing Bd of Ed*, 224 Mich 388; 195 NW 95 (1923).

In addition to the requirements under the Public Health Code, the Michigan Revised School Code, 1995 PA 289, MCL 380.1 *et seq*, requires that a child enrolling in a public or nonpublic school for the first time (or enrolling in grade 6 for the first time) submit a certificate of immunization or a statement signed by a parent or guardian to the effect that the child has not been immunized because of religious conviction or other objection to immunization. MCL 380.1177. The Revised School Code requires the school to provide the Director of the MDCH with the immunization status of each of these pupils in kindergarten through grade 12, to be transmitted through the local health department on forms provided by MDCH or in a manner approved by MDCH. MCL 380.1177(3). The State School Aid Act of 1979 imposes similar reporting requirements. MCL 388.1767(2) and (3).¹ The forms provided by MDCH for reporting immunizations, IP-100 and IP-101,² establish a requirement that a copy of all waivers (parental immunization statements) be sent to the local health departments. In addition, MDCH provides a form for waivers, but it has not promulgated a rule requiring the use of a specific form for the waiver.

¹ If a school district or intermediate school district fails to comply with this section, the Michigan Department of Education "shall withhold 5% of the total funds due to the district or intermediate district under this act." MCL 388.1767(4).

² A form is not required to be promulgated as a rule. MCL 24.207(h).

Your inquiry concerns a regulation promulgated by the Macomb County Health Department requiring parents to use a Macomb County form to claim an exemption from immunization. The regulation in question¹ states in relevant part:

SECTION 6 – EXEMPTIONS

* * *

RELIGION AND OTHER: A student or a guardian of a minor child with a religious or other objection to immunizations shall submit to the enforcing authorities a statement or objection in a form approved by the Macomb County Health Department.

This regulation appears to track section 9215(2) of the Public Health Code, MCL 333.9215(2), which sets forth the Code's immunization exemption provision:

A child is exempt from this part if a parent, guardian, or person in loco parentis of the child presents a written statement to the administrator of the child's school or operator of the group program to the effect that the requirements of this part cannot be met because of religious convictions or other objection to immunization.

In construing this provision, section 1111 of the Public Health Code mandates that, like all provisions of the Code, it "shall be liberally construed for the protection of the health, safety, and welfare of the people of this state." MCL 333.1111(2). As long ago recognized in *McKillop v Cheboygan County Bd of Supervisors*, 116 Mich 614, 617; 74 NW 1050 (1898), statutes designed to protect the community from infections are of utmost importance. In addition, the foremost general rule to follow in interpreting a statutory provision is to discern and give effect to the intent of the Legislature as expressed in the statutory language. *Gladych v New Family Homes, Inc*, 468 Mich 594, 597; 664 NW2d 705 (2003). Also relevant to your question is the rule that exceptions provided for in a statute are to be given a limited rather than an expansive construction. *People v Jahner*, 433 Mich 490, 500, n 3; 446 NW2d 151 (1989); *Rzepka v Farm Estates, Inc*, 83 Mich App 702, 706-707; 269 NW2d 270 (1978).

¹ Macomb County Immunization Regulations, Part A, Section 6.

The burden of proving entitlement to a specific exemption from the requirements of a statute generally rests on the one who claims its benefits. See *Michigan Tool Co v Employment Security Comm*, 346 Mich 673, 680; 78 NW2d 571 (1956).

As shown by the above discussion, the Public Health Code and the Revised School Code require reports of immunization and waivers as prescribed by MDCH. Local health departments have specific statutory duties and functions involving the reporting of vaccinations as well as any exceptions where individuals have not been vaccinated. Schools must report their students' immunization status to their local health departments; and they are, in turn, required to take appropriate action based on those reports. MCL 333.9209. Local health departments are expressly required to implement and enforce the laws for which responsibility has been assigned to them. MCL 333.2433(2)(a). The plain language of the Public Health Code authorizes local health departments to adopt regulations "necessary or appropriate" to carry out their assigned duties and functions. MCL 333.2441(1). Moreover, the broad discretionary authority to protect the public health empowers a local health department to implement regulations concerning vaccinations of children and to work out the details necessary to prevent the spread of disease, including establishing requirements for local school districts. *People ex rel Hill*, 224 Mich at 395, 399.

These clear statements of legislative intent and case law support the conclusion that local health departments may adopt a regulation requiring the use of a specific form to claim an exemption from immunization requirements. Developing a uniform format for claiming an exemption and establishing procedures for assuring compliance with statutory requirements represent a "necessary or appropriate"

means for assuring that a health department is positioned to fulfill its educational and monitoring responsibilities.

It is my opinion, therefore, in answer to your first question, that a local health department has authority to adopt regulations to require a parent to use a specific immunization exemption form in order to claim an exemption from vaccination requirements under section 9215(2) of the Public Health Code, MCL 333.9215(2).

You next ask whether a local health department may require a parent to provide an explanation of the nature of the "other objection" to immunization under section 9215(2) of the Public Health Code, MCL 333.9215(2).

The information required for exemption under MCL 333.9215(2) and Rule 325.176(1)(d) includes the name and birth date of the child, and a certification that immunization conflicts with religious conviction or other objection of the statement's signer. The Macomb County Health Department's immunization waiver form requests that a reason be stated for an objection other than religion, thereby raising the issue of whether the local health department is requiring more information than permitted under MCL 333.9215(2).

The Macomb County Health Department's regulation requires that the written objections be stated "in a form approved by the Macomb County Health Department." The Michigan Department of Community Health also has a form for parents to use for filing an exemption. The MDCH form is similar to the Macomb County form in that it requires a reason to be stated for any "other objection."

Prior to the codification of the Public Health Code in 1978 PA 368, the only statutorily permissible exemption from the then applicable immunization requirement was for religious reasons. The Legislature added the "other objection" language in 1978 but did not define this term. MDCH Rule R 325.176(d) defines religious or other exemption to mean:

[A] written statement which is signed by the parent, guardian, or person in loco parentis of a child, which certifies that immunization is in conflict with religious or other convictions of the signer, and which includes the name and date of birth of the child.

When determining the plain and ordinary meaning of undefined terms in statutes or rules, dictionary definitions may be consulted. *Title Office Inc v VanBuren County Treasurer*, 469 Mich 516, 522; 676 NW2d 207 (2004). *The American Heritage Dictionary, New College Edition* (1976), defines the word "objection," in part, as a "ground, reason, or cause for expressing opposition or disagreement." Requiring a parent to state the basis for a non-religious objection to immunization ensures that the parent is in fact objecting to immunization by stating a ground, reason, or cause for the objection, rather than claiming an exemption for some other reason. For example, a parent who refuses to immunize a child due to time or financial constraints is not stating an objection to or conviction against immunization required by MCL 333.9215(2) and Rule 325.176(1)(d). Confirming that a parent truly has an actual objection *to immunization* by requiring disclosure of the reason for the objection is not requiring more information than prescribed under this section, but rather it is verifying that the objection exists in conformity with the statute.

Requiring the parent to state a reason for objecting to immunization is also consistent with a local health department's duty to prevent disease and promote the public health by raising immunization levels. A parent's objection may be based on misinformation or misunderstanding; the simple act of

requiring an explanation of the nature of the "other" objection will enhance compliance with vaccination requirements. For example, if an objection is based on incomplete scientific information or vague apprehension, local health departments can provide information to parents, thereby allowing them to make a more informed decision regarding immunization. If the issue is financial, the parent can be notified of free immunization clinics that a health department is required to conduct periodically. MCL 333.9203(2).

Additionally, requiring a parent to state a reason for the "other objection" is within the broad authority of a local health department's statutory duty to prevent disease through immunization. It is reasonable for the Macomb County Health Department to adopt a regulation to require a parent to state the nature of an objection as a "necessary or appropriate" measure to enable it to perform its responsibilities.

It is my opinion, therefore, in answer to your second question, that the broad authority conferred on local health departments to prevent disease and promote the public health includes the power to require a parent to provide a statement explaining the nature of the "other objection" to immunization claimed by the parent under section 9215(2) of the Public Health Code, MCL 333.9215(2).

You next ask whether a local health department may require an immunization waiver to be submitted to the local health department for its approval or denial.

The Legislature has generally provided for three types of exemptions from immunization requirements.¹ MCL 333.9215 provides:

(1) A child is exempt from the requirements of this part as to a specific immunization for any period of time as to which a physician certifies that a specific immunization is or may be detrimental to the child's health or is not appropriate.

(2) A child is exempt from this part if a parent, guardian, or person in loco parentis of the child presents a written statement to the administrator of the child's school or operator of the group program to the effect that the requirements of this part cannot be met because of *religious convictions or other objection to immunization*. [MCL 333.9215; emphasis added.]

The MDCH, under its rulemaking authority, has defined "religious or other exemption" as a certified written statement that immunization conflicts with religious or other convictions of the signer:

"Religious or other exemption" means a written statement which is signed by the parent, guardian, or person in loco parentis of a child, which certifies that immunization is in conflict with religious or other convictions of the signer, and which includes the name and date of birth of the child. [R 325.176(1)(d).]

Section 9208(1) of the Public Health Code, MCL 333.9208(1), provides that a parent who is registering a child for the first time in a Michigan school, or has a child entering the 6th grade, must present to school officials a certificate of immunization or statement of exemption. As discussed above, a copy of the exemption must be provided to the local health department.

A local health department may adopt regulations that are "necessary or appropriate" to carry out their duties and functions.² School districts are required to submit, and local health departments are entitled to inspect, immunization status lists and records. MCL 333.9209(1); 2006 MR 10, R

¹ Under section 9212 of the Public Health Code, MCL 333.9212, if the immunization level in any grade in any public or nonpublic school falls below the level necessary to guard against the spread of disease, the school district board or governing body may designate immunization requirements as a condition of admission to a particular grade.

² The use of the disjunctive word "or" is generally construed as referring to an alternative or choice between two or more things. *Hofmann v Auto Club Ins Ass'n*, 211 Mich App 55, 69; 535 NW2d 529 (1995).

325.176(14). This collected information is used, in part, by local health departments to determine the appropriate action necessary to raise child immunization levels, such as through providing immunization clinics, thereby potentially reducing the number of exemptions. MCL 333.9209(3). Review of exemption information also falls under the authority of local health departments to coordinate health services and programs, in this instance with school officials, and to prevent the spread of disease and safeguard the public health. See MCL 333.2235(2), 333.2433, and 333.2435.

A local health department is vested with the discretion to determine how best to discharge its duties and perform its functions. An exemption for an "other objection" to immunization may only be claimed under MCL 333.9215(2) and the MDCH's implementing regulation where the otherwise applicable immunization requirements "cannot be met" because of that objection. As an exception to the general rule mandating immunization, the term "other objection" must be narrowly construed. The provision must also be "liberally construed for the protection of the health, safety, and welfare of the people of this state." MCL 333.1111(2) and MCL 333.2401 (stating that the principles of construction contained in article 1 of the Public Health Code apply to all articles in the Code); *McNeil* __ Mich App at __, *supra*.

Given these guiding principles, a local health department may reasonably determine that it can best discharge its duties concerning immunization by reviewing a parent's claim of exemption to verify that it qualifies under MCL 333.9215(2) and Rule 325.176(1)(d). Where, for example, an objection is based on financial considerations or matters concerning mere convenience or fails to demonstrate that the immunization requirements *cannot be met* as a result of the "other objection," the exemption is appropriately rejected. The local health department may then follow through with educational efforts

regarding the possibility of financial assistance or the availability of clinics that may ameliorate scheduling difficulties and the like. On the other hand, where an objection is based on a personal belief that is incompatible with the immunization of the child in that particular instance, the statute will be satisfied and the local health department's approval may not be withheld.

Where the form and related review process do not impose conditions inconsistent with the statute, they serve a ministerial or administrative purpose, an area within which agencies are typically given latitude to perform their assigned duties.¹ The "approval" contemplated in the county regulation does not call upon the county to exercise a subjective judgment about the adequacy of the exemption statement; rather, it contemplates a ministerial review that is "necessary or appropriate" to confirm that the claimed exemption meets the requirements of MCL 333.9215(2).

It is my opinion, therefore, in answer to your third question, that a local health department may promulgate a regulation requiring its approval to confirm that an immunization exemption has been properly claimed under section 9215(2) of the Public Health Code, MCL 333.9215(2).

Having found that the above provisions of the Macomb County Health Department's immunization requirements are consistent with the state law, your question whether they are preempted by state law is moot.

MIKE COX
Attorney General

¹ See *Public Health Dep't v Rivergate Manor*, 452 Mich 495, 503; 550 NW2d 515 (1996); *Pharmaceutical Research & Manufacturers of America v Dep't of Community Health*, 254 Mich App 397, 403-404; 657 NW2d 162 (2002) (administrative agencies may exercise powers that are granted by necessary or fair implication to fully effectuate their expressly granted powers).

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2007 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2007 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		191	Yes	3/1	3/1	3/1/07	Occupations; accounting; qualifications for certified public accountants; revise, and provide certain changes to the peer review requirement. (Sen. R. Richardville)
2		184	Yes	3/19	3/19	3/19/07	State financing and management; budget; expenditure exceeding appropriation level; require notification. (Sen. R. Jelinek)
3		166	Yes	3/19	3/19	3/19/07	Appropriations; zero budget; supplemental appropriations; provide for certain fiscal years. (Sen. R. Jelinek)
4		014	Yes	3/22	3/22	3/22/07	Agriculture; other; loan repayment for sugar beet cooperatives; extend. (Sen. J. Barcia)
5		176	Yes	3/22	3/23	3/23/07	Health facilities; other; appropriated amount of quality assurance assessment collected; increase. (Sen. D. Cherry)
6		221	Yes	4/30	4/30	4/30/07	Appropriations; supplemental; negative supplemental school aid bill; provide for fiscal year 2006-2007. (Sen. R. Jelinek)
7		404	Yes	5/4	5/4	5/4/07	Appropriations; supplemental; multidepartment supplemental for fiscal year 2006-2007; provide for. (Sen. R. Jelinek)
8	4143		Yes	5/10	5/11	5/11/07	Watercraft; violations; certain marine safety misdemeanor violations; designate as state civil infraction. (Rep. S. Bieda)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
9	4482		Yes	5/18	5/18	5/18/07	Human services; other; certain family independence program eligibility and sanction for certain noncompliance; clarify. (Rep. B. Clack)
10	4327		Yes	5/24	5/24	5/24/07	Crimes; other; prohibition against selling tomatoes that are not vine-ripened; repeal. (Rep. D. Spade)
11	4322		Yes	5/24	5/24	5/24/07	Liquor; licenses; issuance of on-premises liquor license for certain universities; expand to include certain entities located in Oakland community college and Macomb community college. (Rep. B. Farrah)
12		400	Yes	5/29	5/29	5/29/07 #	Economic development; plant rehabilitation; definition of industrial property; modify. (Sen. J. Allen)
13	4629		Yes	5/29	5/29	5/29/07 #	Economic development; plant rehabilitation; strategic response center; provide for definition. (Rep. G. McDowell)
14	4721		Yes	5/29	5/29	5/29/2007	Environmental protection; water pollution; baseline environmental assessment fee; extend sunset. (Rep. D. Bennett)
15	4530		Yes	6/6	6/6	6/6/07	Retirement; public school employees; actuarial liability contribution; modify. (Rep. L. Gonzales)
16	4512		Yes	6/6	6/6	6/6/07	Retirement; state employees; actuarial liability contribution; modify. (Rep. L. Gonzales)
17		436	Yes	6/6	6/6	6/6/07 +	Appropriations; supplemental; multidepartment supplemental for fiscal year 2007; provide for. (Sen. R. Jelinek)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
18	4850		Yes	6/12	6/12	6/12/07	State financing and management; funds; securitization of tobacco funds; increase amount. (Rep. V. Smith)
19	4207		Yes	6/14	6/14	6/14/07	Occupations; nurses; licensure of graduates from a nursing education program located outside the United States who do not have a certificate from the commission on graduates of foreign nursing schools; provide for. (Rep. H. Hopgood)
20		344	Yes	6/19	6/19	6/19/07	Criminal procedure; sentencing guidelines; citation reference for crime of receiving or concealing stolen property having a value of \$20,000 or more or with prior convictions; revise, and divide section into multiple sections and provide chapter and part headings, and allow use of interactive video technology in courts. (Sen. W. Kuipers)
21		194	Yes	6/19	6/19	6/19/07	Education; alternative; provisions regarding financial responsibility for certain children enrolled in strict discipline academies; revise. (Sen. M. Switalski)
22	4766		Yes	6/26	6/26	6/26/07	Retirement; investments; employer contribution; revise. (Rep. L. Gonzales)
23		025	Yes	6/28	6/28	6/28/07 #	Disabilities; qualified interpreter for deaf or deaf-blind individual; provide in certain circumstances. (Sen. J. Gleason)
24	4208		Yes	6/28	6/28	6/28/07 #	Disabilities; qualified interpreter for deaf or deaf-blind individual; define and provide in certain circumstances. (Rep. D. Spade)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
25	4261		Yes	6/28	6/28	6/28/07	Economic development; other; convention and tourism promotion act; provide for. (Rep. M. Sak)
26		360	Yes	6/28	6/28	6/28/07 #	Transportation; funds; deadline for projects eligible for funding through local match grant programs; extend. (Sen. J. Gilbert)
27	4556		Yes	6/28	6/28	6/28/07 #	Transportation; funds; date revisions; provide for. (Rep. J. Mayes)
28		487	Yes	6/28	6/28	6/28/07	Liens; construction; requirement that owner provide notice of receipt and a copy of sworn statement to subcontractors, laborers, and suppliers; limit to residential projects. (Sen. V. Garcia)
29	4661		Yes	6/28	6/28	6/28/07	Education; other; term as president and vice president of Detroit school board; clarify. (Rep. L. Lemmons)
30		561	Yes	6/28	6/29	6/29/07	Revenue sharing; counties; distributions to authorities; extend for current fiscal year. (Sen. J. Pappageorge)
31	4376		Yes	6/29	6/29	6/29/07	Property tax; payment and collection; collection of municipal solid waste fee; allow. (Rep. G. Cushingberry)
32		070	Yes	7/1	7/2	7/2/07	Education; teachers; date for implementation of requirement for current teachers to receive certain training concerning reading problems; extend to July 1, 2009. (Sen. N. Cassis)
33		266	Yes	7/10	7/10	7/10/07	Occupations; business licensing and regulation; household goods; provide exemption from certification by public service commission of certain carriers. (Sen. V. Garcia)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
34	4851		Yes	7/10	7/11	7/11/07	Higher education; financial aid; transfers of money by Michigan higher education student loan authority to Michigan merit award trust fund; authorize. (Rep. A. Meisner)
35	4177		Yes	7/10	7/11	7/11/07	Insurance; no-fault; premium increases or reinstatement fees for certain military personnel called into active duty; prohibit. (Rep. D. Spade)
36		094	Yes	7/12	7/12	1/1/08 #	Single business tax; replacement; Michigan business tax act; create. (Sen. N. Cassis)
37	4369		Yes	7/12	7/12	7/12/07 #	Education; financing; exemption for certain personal property from certain school operating mills; provide for. (Rep. T. Brown)
38	4370		Yes	7/12	7/12	7/12/07 #	Property tax; state education tax; tax exemption for certain industrial personal property; exempt. (Rep. M. Griffin)
39	4371		Yes	7/12	7/12	7/12/07 #	Economic development; plant rehabilitation; calculation of tax levied; revise. (Rep. M. Corriveau)
40	4372		Yes	7/12	7/12	7/12/07 #	Property tax; exemptions; commercial and industrial personal property; exempt from certain taxes. (Rep. K. Ebli)
41	4493		Yes	7/12	7/12	7/12/07	Appropriations; supplemental; multidepartment supplemental for fiscal year 2006-2007; provide for. (Rep. G. Cushingberry)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
42	4595		Yes	7/12	7/13	7/13/07	Higher education; financial aid; eligibility for Michigan promise award; expand to include certain residents who graduated from out-of-state high schools and revise application deadline and disbursement schedule. (Rep. K. Angerer)
43		134	Yes	7/17	7/17	7/17/07	Property; conveyances; transfer of certain state owned properties in Ingham county, Wayne county, and Tuscola county; provide for, and release certain property rights reserved by the state. (Sen. M. Switalski)
44		588	Yes	7/17	7/17	7/17/07	Economic development; commercial redevelopment; corridor improvement authority; revise eligibility criteria. (Sen. S. Thomas)
45		188	Yes	7/17	7/17	7/17/07	Education; vocational; definition of vocational education and use of vocational education funds; revise, and allow certain acquisition of equipment. (Sen. G. Van Woerkom)
46		290	Yes	7/17	7/17	7/17/07	Financial institutions; mortgage brokers and lenders; licensing requirements for secondary mortgage companies; exempt certain employees and leased employees. (Sen. R. Richardville)
47		354	Yes	8/2	8/3	8/3/07 #	Natural resources; wildlife; double-crested cormorant; provide for control program. (Sen. M. McManus)
48	4471		Yes	8/2	8/3	8/3/07 #	Natural resources; wildlife; double-crested cormorant; define terms for control program. (Rep. D. Booher)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
49	4614		Yes	8/2	8/3	8/3/07 #	Natural resources; wildlife; double-crested cormorant; provide for control fund. (Rep. J. Sheltrown)
50	4884		Yes	8/13	8/14	8/14/07	State financing and management; funds; Michigan trust fund; provide general amendments for tobacco securitization. (Rep. S. Jackson)
51	4641		Yes	8/28	8/28	8/28/07	Drains; drain commissioners; county board of commissioners to change name of office of county drain commissioner to office of the water resources commissioner; authorize, increase amount of bond, and provide for temporary replacement of drain commissioner. (Rep. F. Accavitti)
52		624	Yes	9/3	9/4	9/4/07	Elections; primary; presidential primary process; revise. (Sen. M. McManus)
53	4517		Yes	9/5	9/6	9/6/07	Consumer protection; privacy; social security numbers in documents submitted to register of deeds for recordation; require redaction by register of deeds unless prohibited by law. (Rep. B. Byrum)
54	4519		Yes	9/5	9/6	9/6/07	Consumer protection; privacy; social security numbers in affidavits submitted to register of deeds for recordation; require redaction unless prohibited by law. (Rep. B. Byrum)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

MICHIGAN ADMINISTRATIVE CODE TABLE
(2007 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the State Office of Administrative Hearings and Rules.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

**MICHIGAN ADMINISTRATIVE CODE TABLE
(2007 RULE FILINGS)**

R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue
28.4001	A	13	281.429	A	3	338.3102	*	4
28.4002	A	13	325.2651	*	3	338.3120	*	4
28.4003	A	13	325.2652	*	3	338.3123	*	4
28.4004	A	13	325.2653	*	3	338.3125	*	4
28.4005	A	13	325.2654	*	3	338.3132	*	4
28.4006	A	13	325.2655	*	3	338.3154	*	4
28.4007	A	13	325.2656	*	3	338.3161	*	4
32.71	A	10	325.2657	*	3	338.3162	*	4
32.72	A	10	325.2658	*	3	338.3162b	*	4
32.73	A	10	325.52601	A	10	338.3162c	*	4
32.74	A	10	325.52602	A	10	338.3162d	*	4
32.75	A	10	325.60025	*	3	339.22203	*	2
32.76	A	10	336.1660	A	2	339.22213	*	2
32.77	A	10	336.1661	A	2	339.22601	*	2
32.78	A	10	336.1802a	A	12	339.22602	*	2
32.79	A	10	336.1803	*	12	339.22603	*	2
32.8	A	10	336.1821	A	12	339.22604	*	2
32.81	A	10	336.1822	A	12	339.22605	*	2
32.82	A	10	336.1823	A	12	339.22606	A	2
32.83	A	10	336.1824	A	12	339.22607	*	2
32.84	A	10	336.1825	A	12	339.22609	*	2
32.85	A	10	336.1826	A	12	339.22613	*	2
32.86	A	10	336.1830	A	12	339.22615	*	2
32.87	A	10	336.1831	A	12	339.22617	*	2
32.88	A	10	336.1832	A	12	339.22631	*	2
32.89	A	10	336.1833	A	12	339.22639	R	2
205.56	*	6	336.1834	A	12	339.22641	R	2
205.72	*	6	338.471a	*	4	339.22645	*	2
205.126	*	6	338.472	*	4	339.22651	*	2
205.127	*	6	338.473	*	4	339.22652	A	2
205.136	*	6	338.473a	*	4	339.22653	R	2
281.421	A	3	338.473d	*	4	339.22654	R	2
281.422	A	3	338.474a	*	4	339.22655	R	2
281.423	A	3	338.475	*	4	339.22659	*	2
281.424	A	3	338.479a	*	4	339.22663	R	2
281.425	A	3	338.489	*	4	339.22664	R	2
281.426	A	3	338.3041	*	4	339.22665	*	2
281.427	A	3	338.3043	*	4	388.1	A	6
281.428	A	3	338.3044	*	4	388.2	A	6

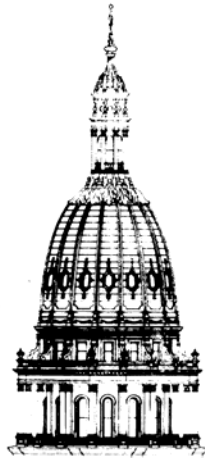
(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue
388.3	A	6	408.806	*	8	408.42602	*	5
388.4	A	6	408.833	*	8	408.42605	*	5
388.5	A	6	408.852	*	8	408.42608	*	5
388.6	A	6	408.882	*	8	408.42609	*	5
388.7	A	6	408.891	*	8	408.42616	*	5
388.8	A	6	408.4038	*	13	408.42624	R	5
388.9	A	6	408.4107	*	13	408.42625	R	5
388.1	A	6	408.4125	*	13	408.42628	*	5
388.11	A	6	408.13902	*	11	408.42629	*	5
388.12	A	6	408.17601	*	10	408.42634	*	5
388.13	A	6	408.17602	*	10	408.42636	*	5
388.14	A	6	408.17603	R	10	408.42648	*	5
388.15	A	6	408.17605	R	10	408.42651	*	5
388.16	A	6	408.17607	R	10	408.42655	*	5
388.17	A	6	408.17609	R	10	408.42801	A	5
388.18	A	6	408.17610	R	10	408.42804	A	5
388.151	A	13	408.17612	R	10	408.42806	A	5
388.152	A	13	408.17613	R	10	408.42809	A	5
388.153	A	13	408.17614	R	10	418.56	*	4
388.154	A	13	408.17615	R	10	418.10107	*	6
388.155	A	13	408.17616	R	10	418.10202	*	6
400.9101	*	2	408.17618	R	10	418.10401	*	6
400.9306	*	2	408.17620	R	10	418.10404	*	6
400.9401	*	2	408.17621	R	10	418.10416	*	6
400.9501	*	2	408.17622	R	10	418.10504	A	6
400.12101	*	2	408.17623	R	10	418.10505	A	6
400.12202	*	2	408.17624	R	10	418.10902	*	6
400.12214	A	2	408.17630	R	10	418.10922	*	6
400.12310	*	2	408.17631	R	10	418.101002	*	6
400.12312	*	2	408.17632	R	10	418.101002b	A	6
400.12605	*	2	408.17633	R	10	418.101004	*	6
408.43a	*	4	408.17636	R	10	418.101005	*	6
408.43i	*	4	408.17637	R	10	418.101016	*	6
408.43k	*	4	408.17640	R	10	418.101017	R	6
408.43m	*	4	408.17641	R	10	418.101018	R	6
408.43q	*	4	408.17650	R	10	418.101019	R	6
408.61	*	8	408.17651	R	10	418.101502	R	6
408.65	*	8	408.17696	R	10	418.101504	*	6
408.802	*	8	408.17699	R	10	421.1101	*	4

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue
421.1103	*	4	432.21418	*	5
421.1104	*	4	432.21516	*	5
421.1108	*	4	432.21520	*	5
421.1109	*	4	432.21609	*	5
421.1110	*	4	432.21617	*	5
421.1111	*	4	432.21621	*	5
421.1301	*	4	432.21622	*	5
421.1301	*	4	432.21623	*	5
421.1302	*	4	432.21805	*	5
421.1304	*	4	432.21811	*	5
421.1305	*	4	432.22004	*	5
421.1307	*	4	432.22005	*	5
421.1314	*	4	432.22006	*	5
421.1315	*	4	432.22007	*	5
421.1316	*	4	436.1629	*	9
431.2090	*	9	460.2701	A	3
431.2120	*	9	460.2702	A	3
431.3075	*	9	460.2703	A	3
431.3110	*	9	460.2704	A	3
431.4001	*	9	460.2705	A	3
431.4180	*	9	460.2706	A	3
432.21305	*	5	460.2707	A	3
432.21313	*	5	500.2211	A	9
432.21316	*	5	500.2212	A	9
432.21317	*	5	550.111	A	4
432.21326	*	5	550.112	A	4
432.21327	*	5	550.301	A	4
432.21331	*	5	550.302	A	4
432.21332	*	5	500.2201	A	9
432.21333	*	5	500.2202	A	9
432.21335	*	5			
432.21336	*	5			
432.21406	*	5			
432.21408	*	5			
432.21410	*	5			
432.21412	*	5			
432.21413	*	5			
432.21416	*	5			
432.21417	*	5			

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



**CUMULATIVE
INDEX**

A

AGRICULTURE, DEPARTMENT OF

Bodies of Dead Animals (2007-5*)
Office of Racing Commissioner - General Rules (2007-9)
Regulation No. 637 Pesticide Use (2007-15*)

ATTORNEY GENERAL, DEPARTMENT OF

Opinions

Incompatibility of Offices of Deputy County Treasure And Township Treasurer
OAG No. 7193 (2007-2)
Determining life-cycle costs of pavement used in highway projects
OAG No. 7194 (2007-9)
Application of the exemption from the prohibition against stock ownership under
OAG No. 7195 (2007-9)
Allowable public investment in flexible repurchase agreements
OAG No. 7196 (2007-9)
Authority of Commissioner of the Office of Financial and Insurance Services to share confidential
information with regulatory agencies of foreign countries
OAG No. 7197 (2007-9)
Incompatibility of offices of deputy county treasurer and township treasurer
OAG No. 7198 (2007-9)
Legality of ordinance allowing use of unmanned traffic monitoring device to support citation for civil
infraction
OAG No. 7199 (2007-9)
Length of term of office of Executive Director of Michigan Gaming Control Board and manner of
appointment to office
OAG No. 7200 (2007-9)
Compliance with Michigan Zoning Enabling Act

* Proposed Rules

OAG No. 7201 (2007-9)

Constitutionality of City's construction policy that provides bid discounts on the basis of race or sex

OAG No. 7202 (2007-9)

Reduction of funds in the Automobile Theft Prevention Program by Executive Order 2007-3

OAG No. 7203 (2007-9)

C

COMMUNITY HEALTH, DEPARTMENT OF

Certificate of Need

Board of Psychology Rules (2007-16)

Magnetic Resonance Imaging (MRI) Services (2007-10)

Hospital Beds (2007-10)

Positron Emission Tomography (PET) Scanner Services (2007-10)

Bone Marrow Transplantation Services (2007-10)

Board of Pharmacy (2007-4)

Board of Pharmacy – Controlled Substances (2007-4)

Board of Pharmacy – Continuing Education (2007-4)

Child Death Scene Investigation (2007-4*)

Dental X-Ray installation (2007-14*)

Determination of Deaths of Children (2007-9*)

Disciplinary Proceedings (2007-16)

Psychology – General Rules (2007-15)

Reporting of Non-Suicidal, Non-Medical Chemical Poisonings (2007-7*)

Rights of Recipients (2007-9*) (2007-14*)

State Wide Trauma System (2007-15*)

E

EDUCATION, DEPARTMENT OF

Correction of Obvious Error

Certification and Licensure of School Counselors (2007-3)

Special Education Programs and Services (2007-9*)

Teachers' Tenure (2007-9*)

Postsecondary Dual Enrollment Criteria for Fifth Year High School Pupils (2007-13)

ENVIRONMENTAL QUALITY, DEPARTMENT OF

Correction of Obvious Error

Part 9. Emission Limitations and Prohibitions - Miscellaneous (2007-9)

Great Lakes Bottomlands Preserves (2007-15*)

Part 4 Emissions Limitations and Prohibitions Sulfur Bearing Compounds (2007-10*)

Part 6. Emission Limitations and Prohibitions –Existing Sources for Volatile Organic Compounds and Emissions (2007-16*)

Part 8. Emission of Oxides of Nitrogen From Stationary Sources (2007-3*)

Part 12 Emissions Averaging and Emission Reduction Credit Trading (2007-10*)

* Proposed Rules

Part 17. Soil Erosion and Sedimentation Control (2007-8*)

Part 19 New Source Review for Major Sources Impacting Non-attainment Areas (2007-10*)

Great lakes Bottomland Preserve Grand Traverse bay (2007-10*)

Storage and handling of Liquefied and Gaseous Hydrogen Systems (2007-16*)

Storage and handling of Liquefied Petroleum Gases (2007-16*)

EXECUTIVE OFFICE

Executive Reorganization

No. 1 (2007-2)

No. 2 (2007-3)

No. 3 (2007-5)

No. 4 (2007-9)

No. 5 (2007-9)

No. 6 (2007-9)

No. 7 (2007-9)

No. 8 (2007-9)

No. 9 (2007-9)

No. 10 (2007-9)

No. 11 (2007-9)

No. 12 (2007-9)

No. 13 (2007-9)

No. 14 (2007-9)

No. 15 (2007-9)

No. 16 (2007-9)

No. 17 (2007-9)

No. 18 (2007-9)

No. 19 (2007-9)

No. 20 (2007-9)

No. 21 (2007-9)

No. 22 (2007-9)

No. 23 (2007-9)

No. 24 (2007-9)

No. 25 (2007-9)

No. 26 (2007-9)

No. 27 (2007-9)

No. 28 (2007-9)

No. 29 (2007-9)

No. 30 (2007-10)

No. 31 (2007-10)

No. 32 (2007-10)

No. 33 (2007-10)

No. 34 (2007-10)

No. 35 (2007-10)

No. 36 (2007-10)

No. 37 (2007-10)

No. 38 (2007-14)

* Proposed Rules

No. 39 (2007-14)

No. 40 (2007-15)

L

LABOR AND ECONOMIC GROWTH, DEPARTMENT OF Correction of Obvious Error

MIOSHA - Part 11. Recording and reporting of Occupation Injuries and Illnesses (2007-1)

MIOSHA – Part 18. Fire Protection and Prevention (2007-1)

Workers' Compensation Health Care Services Rules (2007-9)

Workers' Compensation Agency (2007-10)

Notice of Proposed and Adopted Agency Guidelines

Guidelines for the Acquisition of Capital Stock upon Conversion Of a Domestic Mutual Insurer to a Domestic Stock Insurer (2007-9)

State of Michigan Land Bank Fast Track Authority Policies and Procedures for Property Acquisition and Disposition (2007-15)

Accounting (2007-15*)

Administrative Appellate Procedures (2007-6*)

Beer Rules (2007-9)

Carnival and Amusement Safety (2007-8)

Certificates – Discretionary Clauses (2007-4)

Construction Code Part 4. Building Code (2007-7*)

Credit Insurance Policy Forms – Discretionary Clauses (2007-4)

Deferred Presentment Statewide Database (2007-14*)

Disciplinary Proceedings (2007-16)

Employment Security Board of Review (2007-4)

Engineers (2007-13*)

Filing Procedures for Electric, Wastewater, Stream, and Gas Utilities (2007-1*)

Insurance Policy Forms – Discretionary Clauses (2007-4)

Insurance Policy Forms – Shortened Limitation of Action Clauses (2007-9)

Michigan Boiler Rules (2007-13)

Part 5. Scaffolding (2007-14*)

Part. 8 Electrical Code (2007-14)

Part 9A. Mechanical Code (2007-15)

Part. 26. Steel Erection (2007-5)

Part 32. Aerial Work Platforms (2007-14*)

Part 39. Design Safety Standards for Electrical Systems (2007-7*)

Part 58. Aerial Work Platforms (2007-14*)

Part 76. Spray Finishing Using Flammable and Combustible Materials (2007-10)

Part 451. Respiratory Protection (2007-3)

Part 526. Dipping and Coating Operations (2007-10)

Part 528. Spray Finishing Operations (2007-16)

Part 620. Ventilation Control for Construction (2007-15*)

Personnel Hoisting (2007-5)

Private Security Guards and Security Alarm Agencies (2007-13)

* Proposed Rules

Real Estate Appraisers (2007-10*)
Real Estate Licensing/Distance Education Standards (2007-2)
Rehabilitation Code (2007-7*)
Rules and Regulations Governing Animal Contact Current Mitigation (2007-3)
Ski Area Safety Board (2007-8)
Telecommunications Basic Local Exchange Service Quality (2007-8*)
Workers' Compensation Agency - General Rules (2007-4)
Workers' Compensation Board of Magistrates - General Rules (2007-4)
Workers Compensation Health Care Services (2007-6)

H

HUMAN SERVICES, DEPARTMENT OF

Licensing Rules for Foster Family Homes and Foster Family Group Homes (2007-2)
Licensing Rules for Child Placing Agencies (2007-2)

M

MILITARY & VETERANS AFFAIRS, DEPARTMENT OF

Veterans Home Rules (2007-10)

N

NATURAL RESOURCES, DEPARTMENT OF

Open and Prescribe Burning (2007-3)

S

STATE POLICE, DEPARTMENT OF

Correction of Obvious Error

Law Enforcement Standards and Training (2007-3)

Tests for Breath Alcohol (2007-3*)

Test for Breath Alcohol (2007-9*)

T

TRANSPORTATION, DEPARTMENT OF

Local Bridge Program (2007-14)

TREASURY, DEPARTMENT OF

Charitable Gaming (2007-5)

General Sales and Use Tax (2007-6)

Federal Family Education Loan Program (2007-8*)

School Bond Qualification, Approval and Loan Rules (2007-6)